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10/759,453	01/20/2004	Gabor Bajko	059643.00349	7833
32294 7590 01/09/2009 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER				
SHEDRICK, CHARLES TERRELL				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,453

Applicant(s)

BAJKO ET AL.

Examiner

CHARLES SHEDRICK

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,18,20-23,25,26,28-33 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,18,20-23,25,26,28-33 and 36-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1, 3, 9, 18, 21, 25, 28-30, 36-39 and 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art, hereinafter, “**APA**” in view of Chantrain et al., US Patent Pub. No.: 2002/0194323 A1, hereinafter, “**Chantrain**”.

Consider claims **1, 9, 36 and 40**, The APA teaches a Controller, Apparatus and Method comprising: passing a message from a first party to a second party in a communication system(i.e., **communicate via a communication system**)(e.g., see **communications system described in the APA in paragraphs 0002-0010**); passing a response to the message from the

second party to the first party(**i.e., communicate via a communication system**)(e.g., see **communications system described in the APA in paragraphs 0002-0010**).

However, The APA does not specifically disclose the response including at least one parameter in breach of a policy for a communication between the first party and the second party; detecting in a network controller that the response includes at least one parameter breaching the policy; and modifying, by the network controller, the at least one parameter to be consistent with the policy.

In analogous art, Chantrain teaches the response including at least one parameter in breach of a policy for a communication between the first party and the second party (**i.e., consistent with policy rules**)(e.g., see at least **paragraphs 0018-0020 and 0037-0046**); detecting in a network controller that the response includes at least one parameter breaching the policy (**i.e., each policy consist of a set of rules**)(e.g., see at least **paragraphs 0018-0020 and 0037-0046**); and modifying, by the network controller, the at least one parameter to be consistent with the policy(**i.e., each policy consist of a set of actions**)(e.g., see at least **paragraphs 0018-0020 and 0037-0046**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include the response including at least one parameter in breach of a policy for a communication between the first party and the second party; detecting in a network controller that the response includes at least one parameter breaching the policy; and modifying, by the network controller, the at least one parameter to be consistent with the policy for the purpose of managing the configuration of network elements as taught by Chantrain

Consider claims **18 and 21**, The APA teaches a Controller and Method, comprising: passing a message from a first party to a second party in a communication system (**i.e., communicate via a communication system**)(**e.g., see communications system described in the APA in paragraphs 0002-0010**); receiving a response to the message from the second party(**i.e., communicate via a communication system**) (**e.g., see communications system described in the APA in paragraphs 0002-0010**) the response including at least one parameter in breach of a policy for a communication between the first party and the second party(**e.g., see communications system described in the APA in paragraphs 0008-0010**)

However, APA does not specifically teach; passing the response unmodified from the second party to the first party; and determining in a network controller that one or more of said at least one parameter breaches the policy.

In analogous art, Chantrain teaches passing the response unmodified from the second party to the first party(**i.e., verifying consistency with policy rules**)(**e.g., see at least paragraphs 0018-0020 and 0037-0046**); and determining in a network controller that one or more of said at least one parameter breaches the policy(**i.e., each policy consist of a set of rules**)(**e.g., see at least paragraphs 0018-0020 and 0037-0046**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include the response including at least one parameter in breach of a policy for a communication between the first party and the second party; passing the response unmodified from the second party to the first party; and determining in a network controller that one or more of said at least one parameter breaches the policy for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider claims **25, 28 and 39**, The APA teaches a Controller, Apparatus and Method comprising: passing a message from a first party to a second party in a communication system **(i.e., communicate via a communication system)(e.g., see communications system described in the APA in paragraphs 0002-0010)**; receiving a response from the second party to the first party **(i.e., communicate via a communication system)(e.g., see communications system described in the APA in paragraphs 0002-0010)**, the response including at least one parameter in breach of a policy for communication between the parties **(paragraphs 0008-0010)**.

However, The APA does not specifically disclose sending a further message including a definition of the policy to the first party.

In analogous art, Chantrain teaches determining in a network controller that one or more of said at least one parameter is in breach of the policy **(i.e., each policy consist of a set of rules)(e.g., see at least paragraphs 0018-0020 and 0037-0046)**; and sending a further message including a definition of the policy to the first party **(i.e., each policy consist of a set of actions)(e.g., see at least paragraphs 0018-0020 and 0037-0046)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include determining in a network controller that one or more of said at least one parameter is in breach of the policy; and sending a further message including a definition of the policy to the first party for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider claims **30 and 32**, The APA teaches a Controller and Method comprising: passing a message from a first party to a second party in a communication system **(i.e.,**

communicate via a communication system)(e.g., see communications system described in the APA in paragraphs 0002-0010).

However, The APA does not specifically teach receiving a response including at least one parameter in breach of a policy for a communication between a first party and a second party; passing the response unmodified from the second party to the first party; receiving from the first party a further message including one or more of the at least one parameter in breach of the policy; and detecting in a network controller that the further message includes the one or more of the at least one parameter breaching the policy.

In analogous art, Chantrain teaches receiving a response including at least one parameter in breach of a policy for a communication between a first party and a second party(**i.e., each policy consist of a set of rules)(e.g., see at least paragraphs 0018-0020 and 0037-0046);** passing the response unmodified from the second party to the first party(**i.e., verifying consistency with policy rules)(e.g., see at least paragraphs 0018-0020 and 0037-0046);** receiving from the first party a further message including one or more of the at least one parameter in breach of the policy(**i.e., each policy consist of a set of actions)(e.g., see at least paragraphs 0018-0020 and 0037-0046);** and detecting in a network controller that the further message includes the one or more of the at least one parameter breaching the policy (**i.e., each policy consist of a set of actions)(e.g., see at least paragraphs 0018-0020 and 0037-0046).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include receiving a response including at least one parameter in breach of a policy for a communication between a first party and a second party; passing the response unmodified from the second party to the first party; receiving from the first

party a further message including one or more of the at least one parameter in breach of the policy; and detecting in a network controller that the further message includes the one or more of the at least one parameter breaching the policy for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider claims **43 and 45**, The APA teaches a Controller and Method comprising: forwarding a session initiation protocol message from a first user equipment to a second user equipment (e.g., see SIP/SDP described in the APA in paragraphs 0008-0010); forwarding a session initiation protocol response containing a session description protocol offer from a second party to a first party (e.g., see SIP/SDP described in the APA in paragraphs 0008-0010) receiving a succeeding request and checking whether the request contains a session description protocol answer for the offer that breaches a local policy(e.g., see SIP/SDP described in the **APA in paragraphs 0008-0010**).

However, The APA does not specifically teach the response containing a local policy allowed session description protocol payload; if the session description protocol answer breaches the local policy, returning a response that the answer is not acceptable

In analogous art, Chantrain teaches if the answer breaches the local policy, returning a response that the answer is not acceptable (i.e., **each policy consist of a set of actions that are consistent with the policy**)(e.g., see at least paragraphs 0018-0020 and 0037-0046), the response containing a local policy allowed protocol payload(i.e., **each policy consist of a set of actions**)(e.g., see at least paragraphs 0018-0020 and 0037-0046).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include if the session description protocol answer

breaches the local policy, returning a response that the answer is not acceptable, the response containing a local policy allowed session description protocol payload for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider **claim 3 and as applied to claim 1**, APA as modified by Chantrain teaches modifying the at least one parameter by the first party (e.g., **paragraph 0008-0010**).

Consider **claim 5 and as applied to claim 1**, APA as modified by Chantrain teaches wherein the detecting comprises detecting in the network controller that provides a call session control function (e.g., **paragraph 0008-0010**).

Consider **claim 6 and as applied to claim 5**, APA as modified by Chantrain teaches wherein the detecting comprises detecting in the network controller that provides the call session control function comprising at least one of a proxy call session control function or a serving call session control function (e.g., **paragraph 0008-0010**).

Consider **claim 7 and as applied to claim 1**, APA as modified by Chantrain teaches wherein the detecting comprises detecting that the response includes the at least one parameter comprising a parameter of a session description protocol (e.g., **paragraph 0008-0010**).

Consider **claim 8 and as applied to claim 1**, APA as modified by Chantrain wherein the sending comprises sending the response in accordance with a session initiation protocol (e.g., **paragraph 0008-0010**).

Consider **claims 19 and 22 and as applied to claims 18 and 21**, APA as modified by Chantrain teaches the claimed invention further comprising: sending a further message from the first party to the network controller (e.g., **see paragraphs 0008-0010**), said determining comprising detecting at least one parameter in breach of the policy in the further message (e.g.,

see paragraphs 0008-0010).

Consider **claims 20, 23, 26, 29, 31 and 33 and as applied to claims 19, 22, 25, 30 and 32**, the APA discloses the claimed invention except further comprising: responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload.

However, in analogous art, Chantrain teaches the claimed invention further comprising: responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload (**i.e., each policy consist of a set of actions that are consistent with the policy**)(e.g., see at least paragraphs 0018-0020 and 0037-0046).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider **claims 37 and 41 and as applied to claims 36 and 41**, the APA discloses the claimed invention except wherein the processor is further configured to further modify at least one parameter in response to a response to the further message.

However, in analogous art, Chantrain teaches the claimed invention further comprising: wherein the processor is further configured to further modify at least one parameter in response to a response to the further message (**i.e., each policy consist of a set of actions that are consistent with the policy**)(e.g., see at least paragraphs 0018-0020 and 0037-0046).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include wherein the processor is further

configured to further modify at least one parameter in response to a response to the further message for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider **claims 38 and 42 and as applied to claims 36 and 41**, the APA discloses the claimed invention except wherein the user equipment is configured to modify the at least one parameter to be consistent with a local policy.

However, in analogous art, Chantrain wherein the user equipment is configured to modify the at least one parameter to be consistent with a local policy (e.g., see at least **paragraph 0018**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the APA to include wherein the user equipment is configured to modify the at least one parameter to be consistent with a local policy for the purpose of managing the configuration of network elements as taught by Chantrain.

Consider **claim 44 and as applied claim 43**, APA as modified by Chantrain teaches wherein the first party is a user equipment and the session description protocol answer is reduced at the user equipment (e.g., see at least **paragraphs 0008-0010**).

Consider **claim 46 and as applied claim 45**, APA as modified by Chantrain teaches wherein the network controller is a proxy call session control function (i.e., the **Architecture as outlined in 3GPP GPRS networks**)(e.g., see at least **paragraphs 0006-0010**).

Consider **claim 47 and as applied claim 45**, APA as modified by Chantrain teaches wherein the network controller is a serving call session control function (i.e., the **Architecture as outlined in 3GPP GPRS networks**) (e.g., see at least **paragraphs 0006-0010**).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617